



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/840,548	04/23/2001	Doug Rollins	MTIPAT.191A	3928

20995 7590 06/02/2005

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER

BURLESON, MICHAEL L

ART UNIT	PAPER NUMBER
----------	--------------

2626

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/840,548

Applicant(s)

ROLLINS, DOUG

Examiner

Michael Burleson

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 13-39 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 13-39 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: Detailed Action

Response to Arguments

Applicant's arguments with respect to claims 1,13,17,21,25,29,34 and 38 have been considered, but are moot in view of the new grounds of rejection.

Applicant states in remarks (page 9, paragraph 4) that the reference of Murphy US 6028679 does not teach nor suggest of "receiving a fax message via the dial-up modem and a public switched telephone network to a receiver." Examiner agrees with Applicant. The reference of Anglin, Jr. et al. US 5892591 teaches of sending a fax message via the internet and transmits the message via a modem to a destination facsimile.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 2626

2. Claims 1,2,4,5,9,10,13,14,17,25 and 29-33 is rejected under 35 U.S.C. 102(b) as being anticipated by Anglin, Jr. et al. US 5892591.

Regarding claim 1, Anglin, Jr. et al. shows of a facsimile machine (3000) sending a fax through a network computer (1000) to a remote computer (4000) to a facsimile machine (5000) (figures 2 and 3), which reads on a method of communicating a fax message via a computer network. Anglin jr. et al. teaches that a document (3200) is routed via the internet to a remote computer system (4000), which has a modem (4400) that dials the modem in the destination facsimile (5100) (column 6, lines 37-46 and figures 2 and 3). This reads on receiving the fax message via the internet by a server having at least one dial up modem. Anglin jr. et al. teaches that the remote computer system (4000) connects to the destination facsimile machine (5100) and determines if the number is busy or unavailable (column 6, lines 46-56), this reads on determining availability of the dial-up modem. Anglin Jr. et al. teaches of sending document (3200) via a public switched data network (6000) to a remote computer system (4000) (figure 2), which reads on sending the fax message via the dial-up modem and a public switched telephone network to a receiver.

Regarding claim 2, Anglin Jr. et al. teaches that the document (3200) is stored in the remote computer system (4000) (column 6, lines 49-53), which reads on storing the fax message at the server.

Regarding claim 4, Anglin jr. et al. teaches that the remote computer system (4000) connects to the destination facsimile machine (5100) and determines if the number is busy or unavailable (column 6, lines 46-56), which reads on determining

availability of the dial-up modem comprises identifying the active or inactive state of the dial-up modem.

Regarding claim 5, Anglin Jr. et al. teaches that a plurality of attempts are made over a period of time to transmit the document (3200) to destination facsimile (5000) (column 6, lines 54-59), which reads on determining availability of the dial-up modem is performed periodically at predetermined times, or at start-up of the server, or after the modem is removed or another modem is added.

Regarding claim 9, Anglin Jr. et al. teaches that a message is generated stating the status of the facsimile delivery (4700) and it is routed back to the originating remote computer system (2000) (column 6, lines 56-63), which reads on sending a transmittal report to a transceiver having originated the fax message.

Regarding claim 10, Anglin Jr. et al. teaches that a message is generated stating the status of the facsimile delivery (4700) and it is routed back to the originating remote computer system (2000) and transmits the delivery status message (2700) to the originating facsimile (3000) via a local telephone call (7000) (column 6, lines 56-63), which reads on sending the fax message to a receiver that is physically located in the local-toll area of the server.

Regarding claim 13, claim 13 is rejected for the same reasons as claim 1.

Regarding claim 14, claim 14 is rejected for the same reasons as claim 2.

Regarding claim 17, Anglin, Jr. et al. teaches of software resident in the remote computer (column 5, lines 18-21). He also teaches of a facsimile machine (3000) sending a fax through a network computer (1000) to a remote computer (4000) to a

Art Unit: 2626

facsimile machine (5000) (figures 2 and 3), which reads on a method of communicating a fax message via a computer network. Anglin jr. et al. teaches that a document (3200) is routed via the internet to a remote computer system (4000), which has a modem (4400) that dials the modem in the destination facsimile (5100) (column 6, lines 37-46 and figures 2 and 3). This reads on receiving the fax message via the internet by a server having at least one dial up modem. Anglin jr. et al. teaches that the remote computer system (4000) connects to the destination facsimile machine (5100) and determines if the number is busy or unavailable (column 6, lines 46-56), this reads on determining availability of the dial-up modem. Anglin Jr. et al. teaches of sending document (3200) via a public switched data network (6000) to a remote computer system (4000) (figure 2), which reads on sending the fax message via the dial-up modem and a public switched telephone network to a receiver. Since software is available in the remote computer system, it is inherent that a program storage device is provided in the remote computer system for receiving the fax message by a server having at least one dial up modem, determining availability of the dial-up modem and sending the fax message via the dial-up modem and a public switched telephone network to a receiver.

Regarding claim 25, Anglin, Jr. et al. teaches of software resident in the remote computer (column 5, lines 18-21). He also teaches of a facsimile machine (3000) sending a fax through a network computer (1000) to a remote computer (4000) to a facsimile machine (5000) (figures 2 and 3), which reads on a method of communicating a fax message via a computer network. He teaches of an originating facsimile (3000)

Art Unit: 2626

that sends a fax to a remote computer (2000) via a local telephone line (7000) (figures 2 and 3 and column 6, lines 1-12), which reads on transmitting a fax from a first fax transceiver to a first server via a public switched telephone network. Anglin, Jr. et al. teaches of transmitting the document (3200) to a remote computer system (4000), that contains a plurality of modems (4400), via a host network computer system (1000) (figures 2 and 3), which reads on forwarding of the fax by the first server, via a computer network, to a second server having a plurality of dial-up modems. Anglin Jr. et al. teaches that the document (3200) is received and stored in the remote computer system (4000) (column 6, lines 40-53), which reads on receiving and storing the fax at the second server. Anglin jr. et al. teaches that the remote computer system (4000) connects to the destination facsimile machine (5100) and determines if the number is busy or unavailable (figures 2 and 3 and column 6, lines 46-56), which reads on determining availability of each of the dial-up modems. Anglin, Jr. et al. teaches of sending a fax via a modem (4400) over a local telephone line (8000) to the destination facsimile (5100) (figures 2 and 3 and column 6, lines 40-49). It is obvious that if a modem is not available, then a fax message cannot be sent or received. This reads on sending the fax via a selected one of the dial-up modems and the publicly switched telephone network, determined to be available, to a second fax transceiver, wherein the second fax transceiver is physically located in the same local-toll area, of a public telephone network, as the second server.

Regarding claim 29, Anglin, Jr. et al. shows of a facsimile machine (3000) sending a fax through a network computer (1000) to a remote computer (4000) to a

Art Unit: 2626

facsimile machine (5000) (figures 2 and 3), which reads on a system for communicating a fax message via a computer network. Anglin, Jr. teaches a remote computer system (4000) that receives a fax message via a computer network (1000) (figures 2 and 3), which reads on a server that is configured to receive the fax message, wherein the server is in communication with the computer network. Anglin, Jr. et al. teaches of a modem (4400) that sends a fax message to the destination facsimile via a local telephone line (8000) (figures 2 and 3), this reads on at least one dial-up modem, in communication with the server, configured to send the fax message to a receiver and a communication link for delivery of the fax message to the receiver, wherein the communication link comprises a public telephone network.

Regarding claim 30, Anglin, Jr. et al. teaches of receiving a document by a remote computer system (4100) (figures 2 and 3), which read on receiving the fax message by the server. Anglin, Jr. teaches of storing the document in the remote computer system (4000) (column 6, lines 46-53), which reads on storing the fax message in a memory. Anglin jr. et al. teaches that the remote computer system (4000) connects to the destination facsimile machine (5100) and determines if the number is busy or unavailable (figures 2 and 3 and column 6, lines 46-56), which reads on determining availability of each of the dial-up modems. Anglin, Jr. et al. teaches sending a fax message from the modem (4400) to the destination facsimile machine (5100) (figures 2 and 3), which reads on sending the fax message via the dial-up modem to a receiver.

Regarding claim 31, Anglin, Jr. et al. teaches of a local telephone line (8000) (figures 2 and 3 and column 6, lines 47-49), which reads on the communication link comprises a public switched telephone network, a conventional telephone link, a fiber optic link or a wireless link.

Regarding claim 32, Anglin, Jr. et al. teaches of a local telephone line (8000) is connected to the destination facsimile machine (5100) (figures 2 and 3 and column 6, lines 47-49), which reads on the receiver is physically located in the local-toll area of the server.

Regarding claim 33, Anglin, Jr. et al. teaches that the public switched data network (6000) is a internet backbone network (column 6, lines 29-35), which reads on the computer network is the internet.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3,6-8,11,15,16,18-24,26-28 and 34-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anglin, Jr. et al. US 5892591 in view of Barak US 6046824.

Regarding claim 3, Anglin, Jr. et al. shows of a facsimile machine (3000) sending a fax through a network computer (1000) to a remote computer (4000) to a facsimile machine (5000) (figures 2 and 3), which reads on a method of communicating a fax message via a computer network. Anglin jr. et al. teaches that a document (3200) is routed via the internet to a remote computer system (4000), which has a modem (4400) that dials the modem in the destination facsimile (5100) (column 6, lines 37-46 and figures 2 and 3). This reads on receiving the fax message via the internet by a server having at least one dial up modem. Anglin jr. et al. teaches that the remote computer system (4000) connects to the destination facsimile machine (5100) and determines if the number is busy or unavailable (column 6, lines 46-56), this reads on determining availability of the dial-up modem. Anglin Jr. et al. teaches of sending document (3200) via a public switched data network (6000) to a remote computer system (4000) (figure 2), which reads on sending the fax message via the dial-up modem and a public switched telephone network to a receiver.

Anglin, Jr. et al. fails to teach of reserving an available dial-up modem for transmitting the fax message to the receiver.

Barak teaches that the fax logger (11) contains fax/modems (64) (column 10, lines 2-22 and figure 4). He also teaches that the facsimile logging system determines whether there is an available modem (column 14, lines 13-20 and figure 12). This reads on reserving an available dial-up modem for transmitting the fax message to the receiver.

Anglin, Jr. et al. could have been modified with the step of reserving an available dial-up modem for transmitting the fax message to the receiver of Barak. This modification would have been obvious to one of ordinary skill in the art at the time of the invention in order to determine if a fax message can be sent.

Regarding claim 6, Anglin Jr. et al. teaches that a plurality of attempts are made over a period of time to transmit the document (3200) to destination facsimile (5000) (column 6, lines 54-59), which reads on determining availability of the dial-up modem is performed periodically at predetermined times, or at start-up of the server, or after the modem is removed or another modem is added.

Anglin, Jr. et al. fails to teach on saving the active or inactive state of the dial-up modem in a memory.

Barak teaches that the queue is a memory that stores data, which could include the state of the modem (column 14, lines 12-35), which reads on saving the active or inactive state of the dial-up modem in a memory.

Anglin, Jr. et al. could have been modified with the step of saving the active or inactive state of the dial-up modem in a memory of Barak. This modification would have been obvious to one of ordinary skill in the art at the time of the invention in order to determine if and when a fax message can be sent.

Regarding claim 7, Anglin, Jr. et al. shows of a facsimile machine (3000) sending a fax through a network computer (1000) to a remote computer (4000) to a facsimile machine (5000) (figures 2 and 3), which reads on a method of communicating a fax message via a computer network. Anglin jr. et al. teaches that a document (3200) is

Art Unit: 2626

routed via the internet to a remote computer system (4000), which has a modem (4400) that dials the modem in the destination facsimile (5100) (column 6, lines 37-46 and figures 2 and 3). This reads on receiving the fax message via the internet by a server having at least one dial up modem. Anglin jr. et al. teaches that the remote computer system (4000) connects to the destination facsimile machine (5100) and determines if the number is busy or unavailable (column 6, lines 46-56), this reads on determining availability of the dial-up modem. Anglin Jr. et al. teaches of sending document (3200) via a public switched data network (6000) to a remote computer system (4000) (figure 2), which reads on sending the fax message via the dial-up modem and a public switched telephone network to a receiver.

Anglin, Jr. et al. fails to teach queuing the fax message for sending at a later time if there is no dial-up modem available for immediate sending.

Barak teaches that once the queue becomes not empty, it is determined whether there is an available modem (column 14, lines 15-20 and figure 12), which reads on queuing the fax message for sending at a later time if there is no dial-up modem available for immediate sending.

Anglin, Jr. et al. could have been modified with the step of queuing the fax message for sending at a later time if there is no dial-up modem available for immediate sending of Barak. This modification would have been obvious to one of ordinary skill in the art at the time of the invention in order to send that fax message as soon as the dial-up modem is available.

Regarding claim 8, Barak teaches that once the queue becomes not empty, it is determined whether there is an available modem (column 14, lines 15-20 and figure 12), which reads on a waiting for a period of time that is based upon at least one characteristic of the load upon the dial-up modem.

Regarding claim 11, Anglin, Jr. et al. shows of a facsimile machine (3000) sending a fax through a network computer (1000) to a remote computer (4000) to a facsimile machine (5000) (figures 2 and 3), which reads on a method of communicating a fax message via a computer network. Anglin Jr. et al. teaches that a document (3200) is routed via the internet to a remote computer system (4000), which has a modem (4400) that dials the modem in the destination facsimile (5100) (column 6, lines 37-46 and figures 2 and 3). This reads on receiving the fax message via the internet by a server having at least one dial up modem. Anglin Jr. et al. teaches that the remote computer system (4000) connects to the destination facsimile machine (5100) and determines if the number is busy or unavailable (column 6, lines 46-56), this reads on determining availability of the dial-up modem. Anglin Jr. et al. teaches of sending document (3200) via a public switched data network (6000) to a remote computer system (4000) (figure 2), which reads on sending the fax message via the dial-up modem and a public switched telephone network to a receiver.

Anglin, Jr. et al. fails to teach receiving the fax message includes handling the fax message according to the T.37 standard.

Barak teaches that the store and forward mechanism assures that a standard facsimile transmission protocol will be used for both sending and receiving facsimiles

Art Unit: 2626

(column 11, lines 15-18), which reads on receiving the fax message includes handling the fax message according to the T.37 standard.

Anglin, Jr. et al. could have been modified with the step of receiving the fax message includes handling the fax message according to the T.37 standard of Barak. This modification would have been obvious to one of ordinary skill in the art at the time of the invention in order to send that a fax message using a common standard protocol of facsimile machines.

Regarding claim 15, claim 15 is rejected for the same reasons as claim 3.

Regarding claim 16, claim 16 is rejected for the same reasons as claim 7.

Regarding claim 18, Anglin, Jr. et al. teaches of software resident in the remote computer (column 5, lines 18-21). He also teaches of a facsimile machine (3000) sending a fax through a network computer (1000) to a remote computer (4000) to a facsimile machine (5000) (figures 2 and 3), which reads on a method of communicating a fax message via a computer network. Anglin jr. et al. teaches that a document (3200) is routed via the internet to a remote computer system (4000), which has a modem (4400) that dials the modem in the destination facsimile (5100) (column 6, lines 37-46 and figures 2 and 3). This reads on receiving the fax message via the internet by a server having at least one dial up modem. Anglin jr. et al. teaches that the remote computer system (4000) connects to the destination facsimile machine (5100) and determines if the number is busy or unavailable (column 6, lines 46-56), this reads on determining availability of the dial-up modem. Anglin Jr. et al. teaches of sending document (3200) via a public switched data network (6000) to a remote computer

Art Unit: 2626

system (4000) (figure 2), which reads on sending the fax message via the dial-up modem and a public switched telephone network to a receiver. Since software is available in the remote computer system, it is inherent that a program storage device is provided in the remote computer system for receiving the fax message by a server having at least one dial up modem, determining availability of the dial-up modem and sending the fax message via the dial-up modem and a public switched telephone network to a receiver.

Anglin, Jr. et al. fails to teach on reserving an available dial-up modem for transmitting the fax message to the receiver.

Barak teaches that the fax logger (11) contains fax/modems (64) (column 10, lines 2-22 and figure 4). He also teaches that the facsimile logging system determines whether there is an available modem (column 14, lines 13-20 and figure 12). This reads on reserving an available dial-up modem for transmitting the fax message to the receiver.

Anglin, Jr. et al. could have been modified with reserving an available dial-up modem for transmitting the fax message to the receiver of Barak. This modification would have been obvious to one of ordinary skill in the art at the time of the invention in order to send a fax message to a facsimile machine when other dial-up modems are not available.

Regarding claim 19, Anglin, Jr. et al. teaches of software resident in the remote computer (column 5, lines 18-21). He also teaches of a facsimile machine (3000) sending a fax through a network computer (1000) to a remote computer (4000) to a

Art Unit: 2626

facsimile machine (5000) (figures 2 and 3), which reads on a method of communicating a fax message via a computer network. Anglin jr. et al. teaches that a document (3200) is routed via the internet to a remote computer system (4000), which has a modem (4400) that dials the modem in the destination facsimile (5100) (column 6, lines 37-46 and figures 2 and 3). This reads on receiving the fax message via the internet by a server having at least one dial up modem. Anglin jr. et al. teaches that the remote computer system (4000) connects to the destination facsimile machine (5100) and determines if the number is busy or unavailable (column 6, lines 46-56), this reads on determining availability of the dial-up modem. Anglin Jr. et al. teaches of sending document (3200) via a public switched data network (6000) to a remote computer system (4000) (figure 2), which reads on sending the fax message via the dial-up modem and a public switched telephone network to a receiver. Since software is available in the remote computer system, it is inherent that a program storage device is provided in the remote computer system for receiving the fax message by a server having at least one dial up modem, determining availability of the dial-up modem and sending the fax message via the dial-up modem and a public switched telephone network to a receiver.

Anglin, Jr. et al. fails to teach queuing the fax message for sending at a later time if there is no dial-up modem available for immediate sending.

Barak teaches that once the queue becomes not empty, it is determined whether there is an available modem (column 14, lines 15-20 and figure 12), which reads on

queuing the fax message for sending at a later time if there is no dial-up modem available for immediate sending.

Anglin, Jr. et al. could have been modified with the step of queuing the fax message for sending at a later time if there is no dial-up modem available for immediate sending of Barak. This modification would have been obvious to one of ordinary skill in the art at the time of the invention in order to send that fax message as soon as the dial-up modem is available.

Regarding claim 20, Barak teaches that once the queue becomes not empty, it is determined whether there is an available modem (column 14, lines 15-20 and figure 12), which reads on a waiting for a period of time that is based upon at least one characteristic of the load upon the dial-up modem.

Regarding claim 21, Anglin, Jr. et al. shows of a facsimile machine (3000) sending a fax through a network computer (1000) to a remote computer (4000) to a facsimile machine (5000) (figures 2 and 3), which reads on a method of communicating a fax message via a computer network. He teaches of an originating facsimile (3000) that sends a fax to a remote computer (2000) via a local telephone line (7000) (figures 2 and 3 and column 6, lines 1-12), which reads on transmitting a fax from a first fax transceiver to a first server via a public switched telephone network. Anglin, Jr. et al. teaches of transmitting the document (3200) to a remote computer system (4000), that contains a plurality of modems (4400), via a host network computer system (1000) (figures 2 and 3), which reads on forwarding of the fax by the first server, via a computer network, to a second server having a plurality of dial-up modems. Anglin Jr. et al.

Art Unit: 2626

teaches that the document (3200) is received and stored in the remote computer system (4000) (column 6, lines 40-53), which reads on receiving and storing the fax at the second server. Anglin jr. et al. teaches that the remote computer system (4000) connects to the destination facsimile machine (5100) and determines if the number is busy or unavailable (figures 2 and 3 and column 6, lines 46-56), which reads on determining availability of each of the dial-up modems. Anglin, Jr. et al. teaches of sending a fax via a modem (4400) over a local telephone line (8000) to the destination facsimile (5100) (figures 2 and 3 and column 6, lines 40-49). It is obvious that if a modem is not available, then a fax message cannot be sent or received. This reads on sending the fax via a selected one of the dial-up modems and the publicly switched telephone network, determined to be available, to a second fax transceiver, wherein the second fax transceiver is physically located in the same local-toll area, of a public telephone network, as the second server.

Anglin Jr. et al. fails to teach of queuing transmission of the fax for a period of time.

Barak teaches that it is determined whether there is an available modem (column 14, lines 15-22), which reads on determining availability of the dial-up modems. Barak teaches that once the queue becomes not empty, it is determined whether there is an available modem (column 14, lines 15-20 and figure 12), which reads on queuing transmission of the fax for a period of time, and determining availability of each of the dial-up modems upon expiration of the time period, if none of the dial-up modems is available.

Anglin, Jr. et al. could have been modified with the step of queuing transmission of the fax of Barak. This modification would have been obvious to one of ordinary skill in the art at the time of the invention in order to queue a fax message unit a modem is available for transmission.

Regarding claim 22, Barak teaches that the store and forward mechanism assures that a standard facsimile transmission protocol will be used for both sending and receiving facsimiles (column 11, lines 15-18), which reads on receiving and storing includes processing the fax message according to the store and forward protocol.

Regarding claim 23, Barak teaches that the fax logger (11) contains fax/modems (64) (column 10, lines 2-22 and figure 4). He also teaches that the facsimile logging system determines whether there is an available modem (column 14, lines 13-20 and figure 12). This reads on reserving an available dial-up modem for transmitting the fax.

Regarding claim 24, Barak teaches that once the queue becomes not empty, it is determined whether there is an available modem (column 14, lines 15-20 and figure 12), which reads on a waiting for a period of time that is based upon at least one characteristic of the load upon the dial-up modem.

Regarding claim 26, Anglin, Jr. et al. teaches of software resident in the remote computer (column 5, lines 18-21). He also teaches of a facsimile machine (3000) sending a fax through a network computer (1000) to a remote computer (4000) to a facsimile machine (5000) (figures 2 and 3), which reads on a method of communicating a fax message via a computer network. He teaches of an originating facsimile (3000) that sends a fax to a remote computer (2000) via a local telephone line (7000) (figures 2

Art Unit: 2626

and 3 and column 6, lines 1-12), which reads on transmitting a fax from a first fax transceiver to a first server via a public switched telephone network. Anglin, Jr. et al. teaches of transmitting the document (3200) to a remote computer system (4000), that contains a plurality of modems (4400), via a host network computer system (1000) (figures 2 and 3), which reads on forwarding of the fax by the first server, via a computer network, to a second server having a plurality of dial-up modems. Anglin Jr. et al. teaches that the document (3200) is received and stored in the remote computer system (4000) (column 6, lines 40-53), which reads on receiving and storing the fax at the second server. Anglin jr. et al. teaches that the remote computer system (4000) connects to the destination facsimile machine (5100) and determines if the number is busy or unavailable (figures 2 and 3 and column 6, lines 46-56), which reads on determining availability of each of the dial-up modems. Anglin, Jr. et al. teaches of sending a fax via a modem (4400) over a local telephone line (8000) to the destination facsimile (5100) (figures 2 and 3 and column 6, lines 40-49). It is obvious that if a modem is not available, then a fax message cannot be sent or received. This reads on sending the fax via a selected one of the dial-up modems and the publicly switched telephone network, determined to be available, to a second fax transceiver, wherein the second fax transceiver is physically located in the same local-toll area, of a public telephone network, as the second server.

Anglin Jr. et al. fails to teach of receiving and storing the fax message includes processing the fax message according to the store and forward protocol.

Barak teaches that the store and forward mechanism assures that a standard facsimile transmission protocol will be used for both sending and receiving facsimiles (column 11, lines 15-18), which reads on receiving and storing the fax message includes processing the fax message according to the store and forward protocol.

Anglin, Jr. et al. could have been modified with the step of receiving and storing the fax message includes processing the fax message according to the store and forward protocol of Barak. This modification would have been obvious to one of ordinary skill in the art at the time of the invention in order to send that a fax message using a common standard protocol of facsimile machines.

Regarding claim 27, Anglin, Jr. et al. teaches of software resident in the remote computer (column 5, lines 18-21). He also teaches of a facsimile machine (3000) sending a fax through a network computer (1000) to a remote computer (4000) to a facsimile machine (5000) (figures 2 and 3), which reads on a method of communicating a fax message via a computer network. He teaches of an originating facsimile (3000) that sends a fax to a remote computer (2000) via a local telephone line (7000) (figures 2 and 3 and column 6, lines 1-12), which reads on transmitting a fax from a first fax transceiver to a first server via a public switched telephone network. Anglin, Jr. et al. teaches of transmitting the document (3200) to a remote computer system (4000), that contains a plurality of modems (4400), via a host network computer system (1000) (figures 2 and 3), which reads on forwarding of the fax by the first server, via a computer network, to a second server having a plurality of dial-up modems. Anglin Jr. et al.

Art Unit: 2626

teaches that the document (3200) is received and stored in the remote computer system (4000) (column 6, lines 40-53), which reads on receiving and storing the fax at the second server. Anglin jr. et al. teaches that the remote computer system (4000) connects to the destination facsimile machine (5100) and determines if the number is busy or unavailable (figures 2 and 3 and column 6, lines 46-56), which reads on determining availability of each of the dial-up modems. Anglin, Jr. et al. teaches of sending a fax via a modem (4400) over a local telephone line (8000) to the destination facsimile (5100) (figures 2 and 3 and column 6, lines 40-49). It is obvious that if a modem is not available, then a fax message cannot be sent or received. This reads on sending the fax via a selected one of the dial-up modems and the publicly switched telephone network, determined to be available, to a second fax transceiver, wherein the second fax transceiver is physically located in the same local-toll area, of a public telephone network, as the second server.

Anglin Jr. et al. fails to teach of the act of reserving an available dial-up modem for sending the fax.

Barak teaches that the fax logger (11) contains fax/modems (64) (column 10, lines 2-22 and figure 4). He also teaches that the facsimile logging system determines whether there is an available modem (column 14, lines 13-20 and figure 12). This reads on the act of reserving an available dial-up modem for sending the fax.

Anglin, Jr. et al. could have been modified with the act of reserving an available dial-up modem for sending the fax of Barak. This modification would have been

Art Unit: 2626

obvious to one of ordinary skill in the art at the time of the invention in order to send a fax message to a facsimile machine when other dial-up modems are not available.

Regarding claim 28, Anglin, Jr. et al. teaches of software resident in the remote computer (column 5, lines 18-21). He also teaches of a facsimile machine (3000) sending a fax through a network computer (1000) to a remote computer (4000) to a facsimile machine (5000) (figures 2 and 3), which reads on a method of communicating a fax message via a computer network. He teaches of an originating facsimile (3000) that sends a fax to a remote computer (2000) via a local telephone line (7000) (figures 2 and 3 and column 6, lines 1-12), which reads on transmitting a fax from a first fax transceiver to a first server via a public switched telephone network. Anglin, Jr. et al. teaches of transmitting the document (3200) to a remote computer system (4000), that contains a plurality of modems (4400), via a host network computer system (1000) (figures 2 and 3), which reads on forwarding of the fax by the first server, via a computer network, to a second server having a plurality of dial-up modems. Anglin Jr. et al. teaches that the document (3200) is received and stored in the remote computer system (4000) (column 6, lines 40-53), which reads on receiving and storing the fax at the second server. Anglin jr. et al. teaches that the remote computer system (4000) connects to the destination facsimile machine (5100) and determines if the number is busy or unavailable (figures 2 and 3 and column 6, lines 46-56), which reads on determining availability of each of the dial-up modems. Anglin, Jr. et al. teaches of sending a fax via a modem (4400) over a local telephone line (8000) to the destination facsimile (5100) (figures 2 and 3 and column 6, lines 40-49). It is obvious that if a

modem is not available, then a fax message cannot be sent or received. This reads on sending the fax via a selected one of the dial-up modems and the publicly switched telephone network, determined to be available, to a second fax transceiver, wherein the second fax transceiver is physically located in the same local-toll area, of a public telephone network, as the second server.

Anglin Jr. et al. fails to teach of waiting for a predetermined period of time that is based upon at least one characteristic of the load upon the dial-up modem.

Barak teaches that once the queue becomes not empty, it is determined whether there is an available modem (column 14, lines 15-20 and figure 12), which reads on a waiting for a predetermined period of time that is based upon at least one characteristic of the load upon the dial-up modem.

Anglin, Jr. et al. could have been modified with waiting for a predetermined period of time that is based upon at least one characteristic of the load upon the dial-up modem of Barak. This modification would have been obvious to one of ordinary skill in the art at the time of the invention in order to send a fax message to a facsimile machine and to give the destination facsimile machine time process other fax messages and still receive the fax message sent by the recipient.

Regarding claim 34, Anglin, Jr. et al. teaches of receiving a document, from a computer network (1000), by a remote computer system (4100) (figures 2 and 3). Anglin, Jr. teaches of multiple modems (4400), connected to a remote computer (4100), that sends a fax message to the destination facsimile machine (5100) (figure 2). This reads on a system for communicating a store-and-forward fax message via a computer

Art Unit: 2626

network comprising a server that is configured to receive the fax message, wherein the server is in communication with the computer network, a plurality of modems, in communication with the server, configured to send the fax message to a receiver and a communication link for delivery of the fax message to the receiver.

Anglin, Jr. et al. fails to teach of a module executing in the server for processing the fax, wherein processing the fax comprises of storing the fax in a memory, determining the availability of the each dial-up modem in the plurality dial-up modems, queuing the fax for later delivery if none of the dial-up modems is available and sending the fax message via one of the dial-up modems to a receiver.

Barak teaches of a fax logger (11), which contains a store and forward mechanism (column 11, lines 15-20 and figure 3). Upon receipt of a facsimile, the data is stored in storage (46) and added to the archive queue (44) (column 13, lines 21-40). The forward portion checks the queue for facsimiles and then determines if a modem is available or not and is then sent to a fax machine (column 14, lines 12-36). This reads on a module executing in the server for processing the fax, wherein processing the fax comprises of storing the fax in a memory, determining the availability of the each dial-up modem in the plurality dial-up modems, queuing the fax for later delivery if none of the dial-up modems is available and sending the fax message via one of the dial-up modems to a receiver.

Anglin, Jr. et al. could have been modified with the module of Barak. This modification would have been obvious to one of ordinary skill in the art at the time of the invention to store an incoming facsimile message and retrieve it if a modem is available.

Regarding claim 35, Anglin, Jr. et al. teaches of that the modem (4400) is connected to the destination facsimile machine (5100) by a local telephone line (8000) (figure 2 and column 6, lines 46-49), which reads on sending the fax message to a receiver that is physically located in the local-toll area of the server.

Regarding claim 36, Anglin, Jr. et al. teaches of a local telephone line (8000) (figures 2 and 3 and column 6, lines 47-49), which reads on the communication link comprises a public switched telephone network, a conventional telephone link, a fiber optic link or a wireless link.

Regarding claim 37, Anglin, Jr. et al. teaches that the public switched data network (6000) is a internet backbone network (column 6, lines 29-35), which reads on the computer network is the internet.

Regarding claim 38, Anglin, Jr. et al. teaches of a remote computer (5100) that receives a document from the public switched network (6000) of the computer network (1000), which is an internet backbone network (figure 2 and 3 and column 6, lines 30-34). This reads on a system for communicating a store-and-forward fax message via a computer network comprising a means for receiving the fax message, wherein the receiving means is in communication with the computer network.

Anglin, Jr. et al. fails to teach of a means for processing the fax, wherein processing the fax comprises of storing the fax in a memory, determining the availability of at least one dial-up modem in the plurality dial-up modems, queuing the fax for later delivery if at least one of the dial-up modems is unavailable and sending the fax

Art Unit: 2626

message via at least one of the dial-up modem and means for delivering the fax message to a receiver.

Barak teaches of a fax logger (11), which contains a store and forward mechanism (column 11, lines 15-20 and figure 3). Upon receipt of a facsimile, the data is stored in storage (46) and added to the archive queue (44) (column 13, lines 21-40). The forward portion checks the queue for facsimiles and then determines if a modem is available or not and is then sent to a fax machine (column 14, lines 12-36). This reads on a means for processing the fax, wherein processing the fax comprises of storing the fax in a memory, determining the availability of at least one dial-up modem in the plurality dial-up modems, queuing the fax for later delivery if at least one of the dial-up modems is unavailable and sending the fax message via at least one of the dial-up modem and means for delivering the fax message to a receiver.

Anglin, Jr. et al. could have been modified with the fax logger of Barak. This modification would have been obvious to one of ordinary skill in the art at the time of the invention to store an incoming facsimile message and retrieve it if a modem is available.

Regarding claim 39, Anglin, Jr. et al. teaches of that the modem (4400) is connected to the destination facsimile machine (5100) by a local telephone line (8000) (figure 2 and column 6, lines 46-49), which reads on sending the fax message to a receiver that is physically located in the local-toll area of the server.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication should be directed to Michael Burleson whose telephone number is (571) 272-7460 and fax number is (571) 273-7460. The examiner can normally be reached Monday thru Friday from 8:00 a.m. –

Art Unit: 2626

4:30p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached at (571) 272-7471

Michael Burleson
Patent Examiner
Art Unit 2626

MB

KAWilliams

**KIMBERLY WILLIAMS
SUPERVISORY PATENT EXAMINER**

Mlb
May 26, 2005